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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 RYAN KATZENBACH,

12 Plaintiff,

13 v.

14 PETER RALPH SALVATORE PISANI;
15 and DOES 1-10 inclusive,

16 Defendants.

Case No. 2:12-cv-5045-ODW(FFMx)

**ORDER TO SHOW CAUSE RE
LACK OF PROSECUTION**

17 On August 6, 2012, the Court vacated the entry of default and denied the ex
18 parte application for continuance of the filing deadline as moot, finding that
19 Katzenbach alleged insufficient facts in his Complaint to establish personal
20 jurisdiction over Defendant. (ECF No. 15.) Plaintiff replied on August 27, 2012
21 (ECF No. 16), and the Court reinstated the entry of default. (ECF No. 17.) The Court
22 also required Plaintiff to file a motion for default judgment within 21 days. (*Id.*)

23 Instead, Plaintiff filed another Ex Parte Application to Postpone Default
24 Judgment in Favor of Alternative Motion for Relief on September 5, 2012. (ECF No.
25 18.) On September 6, 2012, the Court denied the application. (ECF No. 19.)

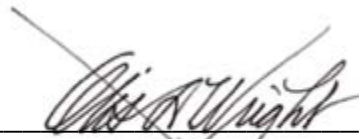
26 Katzenbach filed a Motion for Default Judgment and for Permanent Injunction
27 on September 19, 2012. (ECF No. 20.) However, on October 1, 2012, the Court
28 issued an Order Striking the Motion for Default Judgment for failure to include

1 Plaintiff's damages calculation in the Motion. (ECF No. 26.) The Order required
2 Plaintiff to refile the motion, if he wished, on or before November 5, 2012. (*Id.*)

3 To date, Katzenbach has not refiled the Motion for Default Judgment.
4 Accordingly, Plaintiff Katzenbach is hereby **ORDERED TO SHOW CAUSE** in
5 writing no later than February 15, 2013, why this action should not be dismissed for
6 failure to prosecute. No hearing will be held. Failure to respond will result in the
7 dismissal of the action.

8 **IT IS SO ORDERED.**

9
10 February 1, 2013



11 **OTIS D. WRIGHT, II**
12 **UNITED STATES DISTRICT JUDGE**
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